

District II Advisory Board Minutes

August 3, 2009

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The District II Advisory Board meeting was held at 7:00 p.m. at Fire Station #20 located at 2255 S. Greenwich Road. CM Schlapp was in attendance, (8) board members attended, (5) staff and approximately (2) citizens were in attendance. Only those individuals who signed in are listed as guests below.

Members Present

Aaron Mayes
Max Weddle
Daryl Crotts
Marty Weeks
Paula Hancock
Tom Roth
Dave Mollhagen
Phil Ryan

Members Absent

Sarah Devries
Brian Carduff

Staff Present

Antione Sherfield- Neighborhood Assistant
Donna Goltry – Planning Department
Officer Douty – Wichita Police Department
Captain Acuna – Wichita Fire Department

Guests

Listed below

ORDER OF BUSINESS

CALL TO ORDER

The meeting was called to order at 7:00 p.m. CM Schlapp welcomed everyone and explained how the DAB meeting is conducted. DAB members did introductions.

APPROVAL OF MINUTES AND AGENDA

- **August Agenda approved (8-0)**
- **July Minutes approved (8-0)**

PUBLIC AGENDA

1. **Off-Agenda Items**
No items submitted

STAFF REPORT

2. Community Police Report

Officer Douty provided information pertaining to current crime trends in District II. Officer Douty stated there have been several garage burglaries in District II. The Wichita Police Department were able to apprehend two suspects in connection to the burglaries. She also stated that they will be stepping up speeding stings in District II primarily in the 10000 block of E. 21st Street, 8100 block of E. Zimmerly, and Pawnee East of Rock Road. Officer Douty also reminded everyone to close garages when not in use and to be cautious of your surroundings at all times especially at night. .

CM Schlapp welcomed Officer Douty to District II and thanked her and the Wichita Police Department for the fine work they provide the community.

Recommended Action: Receive and file

3. Community Fire Report

Captain Acuna provided information pertaining to Fire Service calls in District II. Captain Acuna stated that the Wichita Fire Department graduated (24) recruits last week. They are scheduled to start in the field August 8, 2009. He also stated that this recruiting should fill all open positions. Captain Acuna stated that Fire Station #20 is responding to 4-5 alarms a shift.

CM Schlapp applauded Captain Acuna and Fire Department for the great services they provide our community.

Recommended Action: Receive and file

NEW BUSINESS

4. CUP2009-00022

Donna Goltry, Planning Department, provided information pertaining to Amendment #1 to DP-82 Cross Town East Commercial CUP for an off-site digital billboard sign in Parcel 3, generally located South of Kellogg Avenue and East of Webb Road.

The applicant proposes to remove the prohibition on off-site billboards on DP-82 Cross Town East Community Unit Plan (“CUP”) with respect to Parcel 3. The parcel is located on the southwest corner of Kellogg Street and Wildcat Lane, approximately one block east of Webb Road. The property is zoned GC General Commercial (“GC”). An off-site sign is a sign that delivers a message or advertisement other than the name, occupation or nature of the activities conducted on the premises or the products sold or

manufactured thereon. Billboards are offsite signs. The applicant is proposing a digital L.E.D. billboard with a maximum area of 672 square feet per side and a maximum height of 40 feet.

This CUP always has prohibited offsite signs. Also, the Unified Zoning Code (“UZC”) prohibited off-site signs and billboards within a community unit plan until an amendment to the Code last year. This code amendment allowed consideration of amending CUPs on a case-by-case basis, upon request of the property owner to determine if a proposed lifting of the prohibition in a particular case is warranted.

The proposed site plan places a full-size billboard (up to 14 feet x 48 feet or 672 square feet) at the northwest edge of Parcel 3. This falls squarely within the future right-of-way of the Kellogg freeway project. The freeway project is currently under design with funding for right-of-way purchase allocated in Wichita’s current CIP for the years 2101, 2011 and 2012. Construction funding is allocated for 2014 and 2015.

Two other billboards are located in this mile segment. A full size billboard is located 750 feet east of the proposed location on Parcel 3. A junior billboard of 14 feet x 24 feet, is located an additional 520 feet to the east. When the junior billboard was installed in 2007 (SGN2006-00974, approved March 7, 2007), the sign company placed it behind the anticipated Kellogg freeway right-of-way rather than at the current property line as requested by this application. Several other right-of-way adjustments already have been made in anticipation of making this segment of Kellogg a freeway. These include a right-of-way purchase on the farm supply store, and right-of-way dedications on DP-36, DP-88 and the car wash at the corner of Kellogg and Greenwich Road.

The proposed sign was requested for a maximum height of 40 feet and its location is within Airport Hazard Area A and is located approximately 520 feet to the southwest of the end of the asphalt runway on the Beech property. FAA approval is required for any structure above 25 feet, corresponding to the height limit of 25 feet established on the CUP for Parcel 3. Information on the more detailed airport hazard maps show this parcel to be within the runway approach where the interpolated permitted heights are below requested heights. Without knowing the actual elevation of the pad site, it is difficult to determine if the 25-foot height also encroaches within the conical area shown on the hazard map. Given the proposed proximity to the Hawker Beechcraft runway, a lighted sign may be of concern to flight operations.

The other two billboards in this segment of Kellogg are 30 feet in height, which is the maximum allowable height of billboards unless abutting an elevated freeway (current freeway plans show Kellogg depressed at this location). The freeway is depressed because an elevated freeway would encroach into the runway approach path. Forty feet of height, as requested by the applicant, would be interpreted as seeking the increased height for the sign by CUP amendment in place of the requirements for signs outside a CUP that would have required a BZA sign variance.

DP-82 was approved in 1977 with a Parcel 1 (0.75 acres) at the corner of the intersection, currently a liquor store, and Parcel 2 (9.247 acres) with “Proposed uses: of shopping center and or offices, professional personal services, comparison and convenience shopping.” (DP-82 Parcel No. 2, approved July 5, 1977) A strip center with TG&Y as the major tenant was built in 1977. This was replaced in 1992 by Builder’s Square, but this business has been

closed since about 1998. An administrative adjustment in 1991 created Parcel 3 (0.93 acres) from Parcel 2, reflected as a lot split recorded in 1994. Parcel 3 was designed to allow a typical small freestanding use. Proposed uses were: restaurant (includes fast food) retail shops, banks and financial institutions, offices medical and dental offices or clinics, tire, battery and accessory stores, pharmacies, small animal clinics, day care centers, and fitness centers, limited to one building on the parcel, small freestanding retail, etc.). Parcel 3 was limited to one building. The original 300-foot setback from Kellogg Street, which remains for the balance of Parcel 2, was reduced to the CUP minimum allowed setback of 35 feet for Parcel 3 only. Parcel 3, created in 1991, remains undeveloped.

The surrounding area consists of the Hawker Beechcraft manufacturing and runway facilities, located on property zoned LI Limited Industrial ("LI"). The property to the east and south consist of sites zoned GC and used for vehicle sales, vehicle repair and equipment rental, plus the large tract occupied by the vacant home improvement center building. The property to the west is zoned GC and is a liquor store and parking area for the vacant home improvement center. West of Webb Road, the property is zoned LI and currently has a restaurant and a retail use.

CASE HISTORY: The property is platted as Cross Town East Addition, recorded October 27, 1977. A lot split of the area within Parcel 3 was recorded November 23, 1994 (Film 1490, Page 1686). DP-82 Cross Town East CUP was approved July 5, 1977. This is the first amendment to the CUP. The administrative adjustment granted December 19, 1991, added Parcel 3, increased the number of buildings allowed on the CUP to permit one building on the new parcel, reduced the setback to 35 feet along Kellogg Street, and reduced building height for Parcel 3 to 25 feet. It did not increase the maximum floor area or maximum building coverage.

ADJACENT ZONING AND LAND USE:

NORTH:	LI	Hawker Beechcraft manufacturing and runway facilities
SOUTH:	GC	Vacant commercial building, equipment rental, vehicle repair
EAST:	GC	Vehicle sales and repair
WEST:	GC, LI	Liquor store, restaurant, retail

Steve Clark/Clark Investment Group, Johnny Stevens/Owner had the following comments:

- Private owner should not be in situation where they have to wait to see if the Kellogg expansion will take place
- Private property owners can't be denied use of property based on something that may be done or happen in the future
- Hawker Beechcraft doesn't have problem with proposed sign
- Approved CUP's are allowed billboards
- Sign will not be placed at corner of Kellogg and Webb
- Davis Moore has similar sign
- The request is reasonable
- Billboard will not work if it is placed 150 ft. from the street
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DAB Members had the following comments:

- Is this the best approach to what's best for the City of Wichita
- Why place sign in area that may be needed for Kellogg expansion
- If property is developed, the COW will have to chew through it when expanding Kellogg
- Billboard can't be built in building setback
- Onsite signs allowed up to the street
- Offsite signs must be placed back certain amount of feet from street
- Compromise with COW and move 35 ft. back

Recommended Action: The **DAB** voted **(8-0)** to defer the case until the next DAB Meeting September 14, 2009.

UNFINISHED BUSINESS

5. DER2009-00004

Donna Goltry, Planning Department, represented information pertaining to Amendment to the *Wichita-Sedgwick County Unified Zoning Code* to establish a new use type, Motor Vehicle Impound Lot, and to delineate in which districts the use is allowed and under what conditions.

BACKGROUND: At a recent Metropolitan Area Planning Commission (MAPC) meeting planning staff was asked to review our current regulations regarding the storage of motor vehicles. The Wichita-Sedgwick County Unified Zoning Code ("UZC") defines the following terms:

Vehicle Storage Yard: the keeping outside of an enclosed building for more than 72 consecutive hours of one or more vehicles (except inoperable vehicles), boats, trailers, or unoccupied recreational vehicles. The term vehicle storage yard does not include "wrecking/salvage yard."

Vehicle, Inoperable: any vehicle that is unable to operate or move under its own power. It shall also mean any vehicle that is in an abandoned, wrecked, dismantled, scrapped, junked or partially dismantled condition which includes having uninflated tires, no wheels, or lacking other parts necessary for the normal operation of the vehicle. It shall also mean any vehicle that because of mechanical defects, a wrecked or partially wrecked frame or body or dismantled parts, cannot be operated in a normal and safe manner. An inoperable vehicle shall not include vehicles needing only the installation of a battery or the addition of fuel to operate storage of salvage materials as permitted in Section 19-22(c) of the Sedgwick County Code.

The circumstance that triggered the Planning Commission's request to review this issue was the recent filing of three applications for "wrecking and salvage" by individuals who provide vehicle towing and impound services and/or conduct auto insurance pool auctions. Some vehicles taken to these businesses

are inoperable, and may be stored up to three or four months, without any intention of repairing the vehicle, before they are removed from the site. The vehicles are not dismantled or parted out, only stored, but because the business stores inoperable vehicles for longer than 72 hours, by UZC definition, the activity is categorized as “wrecking and salvage.” Wrecking and salvage uses are only permitted with “conditional use” approval in the LI Limited Industrial (“LI”) and GI General Industrial (“GI”) districts, and is permitted “by right” in the AFB district.

CASE HISTORY: The storage of inoperable vehicles has required “special permit” (in the pre-1996 zoning code) or “conditional use” approval (since 1996) in the E and F districts (pre-1996 code) and the LI and GI districts (since 1996), since at least 1954.

Recommended Action: The **DAB** voted **(8-0)** in favor of the Planning Staff’s recommendation.

With no further business, the meeting was adjourned at 8:20 p.m. The next DAB II Meeting will be September 14, 2009

Respectfully Submitted,
Antione Sherfield, Neighborhood Assistant